

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Dale F. McIntyre, et al

ALBUM LEAF WITH INSERT

Serial No. 09/973,031

Filed October 09, 2001

Group Art Unit: 3722

Confirmation No. 5074

Examiner: Jamila O. Williams

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

Sir:

APPELLANTS' REPLY BRIEF

This Reply Brief is in response to the Examiner's Answer mailed December 31, 2007.

The Examiner refers to Bromer et al as disclosing "an image product assembly comprising: a dual sided album leaf". However, it is quite clear that Bromer et al from its very own description is not an album leaf but "a presentation folder" as illustrated by the title, abstract, background of the invention and claims themselves. To call the product disclosed an album leaf is directly contrary to what the patent itself describes. Thus, it is respectfully submitted the Examiner is reading Bromer et al beyond the scope of its disclosure. Further, it is previously discussed in Applicant's Appeal Brief to have a transparent presentation folder would be contrary to being able to view the images on an album leaf as taught and claimed by Applicant. While there may be some type of graphics on the presentation folder of Bromer et al, it is not an album leaf to which the present invention is directed to. While the Examiner argues that the letters on the presentation folder relate to information on the sheet that is inserted, this is in fact opposite to the present invention wherein information on the insert which is placed in the album leaf provides distinct information with respect to

each of the plurality of images on the outside. Thus it is important that the information on the insert be located such that it can be easily related to the image information described.

Similarly, the Liener Chin et al reference is not directed to an album leaf but instead is directed to a printed sheet protector system and method. Thus as with Bromer et al, the Liener Chin et al reference does not disclose an album leaf to which the present invention is directed. The fact that the Examiner attempts to call the holders of Bromer et al and Liener Chin et al album leafs, does not make it so. They are directed to totally different products that are unrelated to an album leaf to which the present invention is directed.

The important aspect of the present invention is that the information is located on the insert so that it is readily identifiable which image that particular information is associated. This is so when the insert is outside of the pocket. The only time association can be made with anything in the cited references is when the insert is within the pocket. The placement of the information on the insert in the present invention is independent of whether the insert is provided within the pocket. In fact, when the insert is within the pocket of the present invention, the insert cannot be seen. Again, this is because of the totally distinct nature of the present invention from the cited prior art.

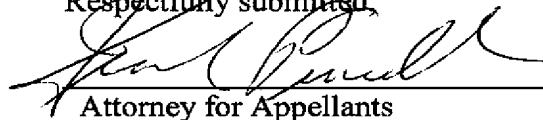
For the foregoing reasons and the reasons previously set forth in Applicant's brief, Applicant respectfully submits that the present application is in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

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Enclosures

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

Respectfully submitted,



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